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10/529375

Customer No. 22,852

Attorney Docket No. 08059.0013

JC17 Rec'd PCT/PTO 28 MAR 2005

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re National Stage of International Application)
No. PCT/NZ2003/000219 under 35 U.S.C. 371.)
Inventors: Michael John CHRISTENSEN et al.) Group Art Unit: Not Yet Assigned
Application No.: Not Yet Assigned) Examiner: Not Yet Assigned
Filed: March 28, 2005)
For: GRASS ENDOPHYTES)

**MAIL STOP PCT
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450**

Sir:

INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. § 1.97(b)

Pursuant to 37 C.F.R. §§1.56 and 1.97(b), applicants bring to the Examiner's attention the documents listed on attached Form PTO/SB/08 and cited in the international search report. With the exception of the U.S. patent, a copy of the listed documents is attached. Applicants respectfully request that the Examiner consider the documents listed on attached Form PTO/SB/08 and indicate that they were considered by making an appropriate notation on this form.

This Information Disclosure Statement is being filed with the above-referenced application.

This submission does not represent that a search has been made or that no better art exists and does not constitute an admission that each or all of the listed documents are material or constitute "prior art." If the Examiner applies any of the

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documents as prior art against any claim in the application and applicants determine that the cited documents do not constitute "prior art" under United States law, applicants reserve the right to present to the Office the relevant facts and law regarding the appropriate status of such documents. Applicants further reserve the right to take appropriate action to establish the patentability of the disclosed invention over the listed documents, should one or more of the documents be applied against the claims of the present application.

Also enclosed is an English-language international search report from the Australian Patent Office in the PCT international application, from which this national phase U.S. application is derived.

If there is any fee due in connection with the filing of this Statement, please charge the fee to our Deposit Account No. 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: March 28, 2005

By: 

Ernest F. Chapman
Reg. No. 25,961

Enclosures
EFC/FPD/blc

| | | | | | |
|---|---|----|---|-------------------------------|--------------------------|
| IDS Form PTO/SB/08: Substitute for form 1449A/PTO | | | | Complete if Known | |
| | | | | <i>Application Number</i> | Not Yet Assigned |
| INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Use as many sheets as necessary) | | | | <i>Filing Date</i> | March 28, 2005 |
| | | | | <i>First Named Inventor</i> | Michael John CHRISTENSEN |
| | | | | <i>Art Unit</i> | Not Yet Assigned |
| | | | | <i>Examiner Name</i> | Not Yet Assigned |
| | | | | <i>Attorney Docket Number</i> | 08059.0013 |
| Sheet | 1 | of | 1 | | |

| U.S. PATENTS AND PUBLISHED U.S. PATENT APPLICATIONS | | | | | |
|---|--------------------------|--|--|--|---|
| Examiner Initials | Cite No. ¹ | Document Number | Issue or Publication Date MM-DD-YYYY | Name of Patentee or Applicant of Cited Document | Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear |
| | | Number-Kind Code ² (if known) | | | |
| | | US-6,111,170 | 08-29-2000 | Latch et al. | |
| | | | | | |

Note: Copies of the U.S. Patent Documents are not Required in IDS filed after October 21, 2004

| FOREIGN PATENT DOCUMENTS | | | | | | |
|--------------------------|--------------------------|---|--------------------------------|--|--|--------------------------|
| Examiner Initials | Cite No. ¹ | Foreign Patent Document | Publication Date MM-DD-YYYY | Name of Patentee or Applicant of Cited Document | Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear | Translation ⁶ |
| | | Country Code ³ Number ⁴ Kind Code ⁵ (if known) | | | | |
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| NON PATENT LITERATURE DOCUMENTS | | | |
|---------------------------------|--------------------------|---|--------------------------|
| Examiner Initials | Cite No. ¹ | Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published. | Translation ⁶ |
| | | J.A. PARISH et al., "USE OF NONERGOT ALKALOID-PRODUCING ENDOPHYTES FOR ALLEVIATING TALL FESCUE TOXICOSIS IN SHEEP" ^{1,2} , J. ANIM. SCI. 81, pp. 1316-1322, (2003). | |
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| | | | |
|-----------------------|--|--------------------|--|
| Examiner Signature | | Date Considered | |
|-----------------------|--|--------------------|--|

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.